

REMARKS

Claims 8-18 and 28-57 were pending in the case at the time of the Office Action, with claims 33-57 withdrawn from consideration. All pending claims are cancelled and new claims 58-63 are presented.

Claim amendments

New independent claim 58 is intended to read upon the device embodiment shown in Figs. 20-25 and described in the accompanying text of the specification, so no new matter is introduced.

Dependent claims 59 through 62 are proper dependent claims and also introduce no new matter.

New independent method claim 63 is directed at the method described in association with the device shown in Figs. 20-25, so the method is believed to be properly included in the case, regardless of the restriction requirement made in the Office Action of 23 January 2006. The method is fully supported by the Figs and accompanying text, so no new matter is presented.

Rejection under 35 USC §102(b)

The Examiner has rejected claims 1-32 as anticipated by US Patent 6,261,291 to Talaber ("Talaber '291"). Although cancellation of the pending claims moots the rejection, applicant will address the patentability of the new independent claims over Talaber '291.

With respect to claim 58, applicant respectfully notes that Talaber '291 lacks several features included in claim 58. Particularly, the Talaber '291 patent does not show a screw retention member with "a tapered retention seat being formed along an intermediate portion of the passageway, the tapered retention seat comprising an shoulder formed at a bottom thereof and a wall that monotonically decreases in diameter over a height thereof." Further, Talaber '291 shows an annular collar 12 that cannot qualify as the "frustoconical split ring" of claim 58, because it lacks at least the limitation of "having inside and outside diameters that each decrease monotonically over a height thereof from a maximum diameter at a bottom." Yet further, the fastener 14 of Talaber '291 lacks a head that is "generally spherical, with a bottom spherical portion, connected to the shaft, and a top spherical portion, the bottom and top spherical

portions separated by a threaded section,” particularly since Talaber ‘291 shows no threading of the head.

As stated above, claim 63 is a method claim based upon the device claimed in claim 58. Therefore, to the extent that features that are lacking in Talaber ‘291 are not present, the use of those features, notably the threaded section of the fastener head, is not anticipated.

Further to this point, the split ring of Talaber ‘291 relaxes after passage of the screw head therethrough (as shown in Talaber ‘291 Fig. 6), so the split ring is not wedged “between the tapered retention seat wall and the top spherical portion.” Without this, there is no “taper of the retention seat acting to compress the split ring, preventing screw back out.”

Conclusion

The Applicant respectfully submits that the present application is now in condition for allowance and such action is earnestly requested.

Respectfully submitted,

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